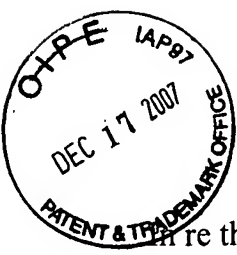


12



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Here the Application of

Amar LULLA, et al.

Art Unit: 3743

Application No. 10/617,850  
Patel

Examiner: Nihir

Filed: July 14, 2003

Confirmation No.: 7989

For: SPACER DEVICE FOR INHALER

**PROOF OF SUBMISSION OF PRIORITY  
DOCUMENTS AND INTERVIEW SUMMARY**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants are in receipt of a Notice of Allowance and Issue Fee Due including Notice of Allowability mailed October 17, 2007. In the Notice of Allowability it has been stated that "none of the Certified Copies of the Priority Documents have been received...".

Applicants remind the Examiner that the current application is a continuation of prior application 09/857,707 which in turn was a 371 Application of PCT International Application No. PCT/GB99/00834.

Proof of Submission of Priority Documents  
U.S. Application No. 10/617,850  
Group Art Unit: 3772

Applicants respectfully submit that the priority documents were submitted in connection with that International Application and Applicants attached Form PCT/IB/304 dated 05 July 1999 in that PCT application.

Upon filing of the new U.S. Continuing Application of the aforementioned 371 Application, Applicants filed a confirmation claim for priority claiming the same South African Patent Application No. 98/11257 and specifically noting that certified copies of the priority documents were received in the national stage application (the Parent Application) from the International Bureau and acknowledged by the Patent Office in the Office Action mailed January 14, 2003 in Parent Application 09/857,707 filed June 8, 2001.

Accordingly, Applicants respectfully submit that the Notice of Allowability is in error in not noting receipt of the priority documents from either the International Bureau or the Parent Application Serial No. 09/857,707. Accordingly, Applicants specifically request a Supplemental Notice of Allowability noting the receipt of the priority documents by the USPTO.

Proof of Submission of Priority Documents  
U.S. Application No. 10/617,850  
Group Art Unit: 3772

Applicants also confirm the substance of the interview recorded in the Examiner's Interview Summary Record and agree in all details with the substance of the interview as recorded by the USPTO on such Interview Summary Record.

Although, no fee is believed to be due, if any fee is necessary to make this paper timely it may be charged the undersigned's **Deposit Account No. 19-4375**.

Respectfully submitted,



Thomas P. Pavelko  
Registration No. 31,689

TPP/mvj  
Attorney Docket No.: TPP 31402A

STEVENS, DAVIS, MILLER & MOSHER, LLP  
1615 L Street, NW, Suite 850  
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Telephone: (202) 785-0100  
Facsimile: (202) 785-0200

Date: December 17, 2007

RECEIVED  
16 JUL 1999

## PATENT COOPERATION TREATY

PCT

From the INTERNATIONAL BUREAU

To:

WAIN, Christopher, Paul  
A.A. Thornton & Co.  
Northumberland House  
303-306 High Holborn  
London WC1V 7LE  
ROYAUME-UNI

NOTIFICATION CONCERNING  
SUBMISSION OR TRANSMITTAL  
OF PRIORITY DOCUMENT

(PCT Administrative Instructions, Section 411)

Date of mailing (day/month/year) 05 July 1999 (05.07.99)	RECEIVED 15 JUL 1999 CPW	IMPORTANT NOTIFICATION
Applicant's or agent's file reference CPW/18952		
International application No. PCT/GB99/00834	International filing date (day/month/year) 18 March 1999 (18.03.99)	
International publication date (day/month/year) Not yet published	Priority date (day/month/year) 09 December 1998 (09.12.98)	
Applicant CIPLA LIMITED et al		

1. The applicant is hereby notified of the date of receipt (except where the letters "NR" appear in the right-hand column) by the International Bureau of the priority document(s) relating to the earlier application(s) indicated below. Unless otherwise indicated by an asterisk appearing next to a date of receipt, or by the letters "NR", in the right-hand column, the priority document concerned was submitted or transmitted to the International Bureau in compliance with Rule 17.1(a) or (b).
2. This updates and replaces any previously issued notification concerning submission or transmittal of priority documents.
3. An asterisk(\*) appearing next to a date of receipt, in the right-hand column, denotes a priority document submitted or transmitted to the International Bureau but not in compliance with Rule 17.1(a) or (b). In such a case, the attention of the applicant is directed to Rule 17.1(c) which provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.
4. The letters "NR" appearing in the right-hand column denote a priority document which was not received by the International Bureau or which the applicant did not request the receiving Office to prepare and transmit to the International Bureau, as provided by Rule 17.1(a) or (b), respectively. In such a case, the attention of the applicant is directed to Rule 17.1(c) which provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.

<u>Priority date</u>	<u>Priority application No.</u>	<u>Country or regional Office or PCT receiving Office</u>	<u>Date of receipt of priority document</u>
09 Dec 1998 (09.12.98)	98/11257	ZA	29 June 1999 (29.06.99)

The International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

Authorized officer

Carlos Naranjo

CSN

Facsimile No. (41-22) 740.14.35

Telephone No. (41-22) 338.83.38



# Office Action Summary

Application No.

09/857,707

Applicant(s)

LULLA ET AL.

Examiner

Teena K Mitchell

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_